

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4
5 DELPHINE ALLEN, et al.,
6 Plaintiffs,
7 v.
8 CITY OF OAKLAND, et al.,
9 Defendants.

10 NO. C00-4599 TEH
11 ORDER DENYING MOTION TO
12 RELATE CASES

13 MATTHEW HORNUNG, et al.,
14 Petitioners,
15 v.
16 CITY OF OAKLAND, et al.,
17 Respondents.

18 NO. C05-4825 EMC

19 These matters come before this Court on the City of Oakland's administrative motion
20 to determine whether *Hornung v. City of Oakland*, Case No. C05-4825 EMC, is related to
21 *Allen v. City of Oakland*, Case No. C00-4599 TEH. After carefully considering both the
22 City's moving papers and the timely opposition filed by the *Hornung* petitioners, the Court
23 concludes as follows: Although there may be serious questions regarding whether reinstating
24 Petitioners Hornung, Mabanag, and Siapno as officers of the Oakland Police Department
25 might impact the timely and successful implementation of the negotiated settlement
26 agreement in *Allen*, the *Hornung* case presents for judicial decision only whether Petitioners
27 have a right to compel arbitration, not what remedy Petitioners would be entitled to should
28 they be found to have a right to arbitrate and ultimately prevail at arbitration. The *Hornung*
petitioners correctly observe that the claimed right to arbitration in *Hornung* raises different
issues from the constitutional claims and claims for indemnity raised in *Allen*, and the Court

1 cannot say that it “appears likely” that a decision on whether the officers are entitled to
2 compel arbitration would lead to “an unduly burdensome duplication of labor and expense or
3 conflicting results” if the two cases are not related. Civ. L.R. 3-12(a) (defining related
4 cases). Accordingly, this Court does not find the two cases to be related as defined by Civil
5 Local Rule 3-12(a).

6

7 **IT IS SO ORDERED.**

8

9 Dated: 12/14/05

10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28